

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, SEPTEMBER 6, 2006**

**C-1     CALL TO ORDER / ROLL CALL**

The City Council Closed Session meeting of September 6, 2006, was called to order by Mayor Hitchcock at 6:10 p.m.

Present: Council Members – Beckman, Hansen, Johnson, and Mayor Hitchcock

Absent: Council Members – Mounce\*

Also Present: City Manager King, City Attorney Schwabauer, and Interim City Clerk Perrin

\*NOTE: Council Member Mounce was absent due to her attendance at the League of California Cities Annual Conference in San Diego.

**C-2     ANNOUNCEMENT OF CLOSED SESSION**

a) Public employment – Council Appointee – job title, City Clerk, pursuant to Government Code §54957 (CM)

**C-3     ADJOURN TO CLOSED SESSION**

At 6:10 p.m., Mayor Hitchcock adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:46 p.m.

**C-4     RETURN TO OPEN SESSION / DISCLOSURE OF ACTION**

At 7:01 p.m. Mayor Hitchcock reconvened the City Council meeting, and City Attorney Schwabauer disclosed that direction was given; no reportable action was taken.

**A.     CALL TO ORDER / ROLL CALL**

The Regular City Council meeting of September 6, 2006, was called to order by Mayor Hitchcock at 7:01 p.m.

Present: Council Members – Beckman, Hansen, Johnson, and Mayor Hitchcock

Absent: Council Members – Mounce\*

Also Present: City Manager King, City Attorney Schwabauer, and Interim City Clerk Perrin

\*NOTE: Council Member Mounce was absent due to her attendance at the League of California Cities Annual Conference in San Diego.

**B.     INVOCATION**

The invocation was given by Pastor Chris Chavez, Heartland Community Church.

**C.     PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Hitchcock.

**D.     AWARDS / PROCLAMATIONS / PRESENTATIONS**

D-1 Awards – None

D-2 (a) Mayor Hitchcock presented a proclamation to Stephanie Allen, Literacy Services Coordinator, proclaiming Friday, September 8, 2006, as "International Literacy Day" in the City of Lodi. Accomplishments for 2005-06 include 5,000 hours of volunteer service by 83 trained tutors, the equivalent of \$93,000; 37 new tutors were trained and matched with students; and 96 adult learners received instruction in the program. Ms. Allen recognized

Tillie Shock, tutor for over 10 years; Bev Cornelius, tutor for 13 years; and Helen Gross, 2006 Literacy Tutor of the Year award recipient.

D-2 (b) Mayor Hitchcock presented a proclamation to Julie Hayden representing the Lodi/Woodbridge Rose Society proclaiming the week of September 11 – 17, 2006, as “Lodi Week of the Rose” in the City of Lodi.

D-2 (c) Mayor Hitchcock presented a proclamation to Carrie Mettler representing the Bicuspid Aortic Foundation proclaiming the month of September 2006 as “Thoracic Aortic Aneurysm and Dissection Awareness (TAAD) Month” in the City of Lodi. TAAD is the bulging or tearing of the aorta in the chest and is a life-threatening but also highly treatable condition. Ms. Mettler provided information regarding TAAD (filed) and encouraged the public to visit the Bicuspid Aortic Foundation Web site at [www.bicuspidfoundation.com](http://www.bicuspidfoundation.com).

D-3 (a) Interim City Clerk Perrin gave an update on the Centennial activities being planned for 2006.

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E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Mayor Pro Tempore Johnson, Beckman second, approved the following items hereinafter set forth by the vote shown below:

Ayes: Council Members – Beckman, Hansen, Johnson, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Mounce

E-1 Claims were approved in the amount of \$6,545,272.00.

E-2 The minutes of July 5, 2006 (Regular Meeting), July 19, 2006 (Regular Meeting), August 22, 2006 (Shirtsleeve Session), and August 25, 2006 (Special Meeting) were approved as written.

E-3 Approved the specifications and authorized advertisement for bids for Traffic Signal Preventive Maintenance and Repair Program, Fiscal Year 2006-07.

E-4 Adopted Resolution No. 2006-165 rejecting all bids for the Turner Road Underpass Pump Station Modifications Project.

E-5 “Adopt resolution authorizing the non-competitive purchase of a Jacobsen Model HR 9016 high-production rotary mower (\$82,293.43) and a Kubota 90 HP Engine retro fit kit (\$19,845.16), which includes \$5,000 for installation, from H.V. Carter Company, Inc., of Sacramento, for the Parks Division” was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**

E-6 Adopted Resolution No. 2006-166 awarding the contract for Stockton Street Asphalt Concrete Resurfacing, Kettleman Lane to 1,000 Feet South of Century Boulevard, to George Reed, Inc., of Lodi, in the amount of \$548,430 and approving Contract Change Order No. 1 in the amount of \$88,940, for a total contract price of \$637,374.

E-7 Adopted Resolution No. 2006-167 accepting the improvements under “Peterson Park West Playground, 199 Evergreen Drive” contract.

E-8 “Adopt resolution authorizing transit services outside of regular service operations for a private wedding on October 21, 2006, and authorizing the Transportation Manager to advertise to determine if a willing and/or able provider exists for this event” was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**

- E-9 Approved special transit fares for the Pink October Fashion Show in accordance with the Transit Fare Policy.
  - E-10 Adopted Resolution No. 2006-168 authorizing the City Manager to renew agreement between the Lodi Police Department and San Joaquin County Data Processing for fiscal year 2006-07 to provide data processing services and access to Automated Message Switching/Criminal Justice Information System for an estimated annual cost of \$16,738.51.
  - E-11 Set public hearing for September 20, 2006, to consider unmet transit needs in Lodi.
  - E-12 Set public hearing for September 20, 2006, to consider implementation of a new Substation and Transmission System Charge to be assessed as a development impact fee upon future electric utility customers outside existing City boundaries and making corresponding amendments to the applicable Electric Utility Department Rules and Regulations.
  - E-13 Set public hearing for November 1, 2006, to consider resolution establishing area of benefit and reimbursable costs for Lower Sacramento Road (Kettleman Lane to Harney Lane) improvements.
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ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- E-5 “Adopt resolution authorizing the non-competitive purchase of a Jacobsen Model HR 9016 high-production rotary mower (\$82,293.43) and a Kubota 90 HP Engine retro fit kit (\$19,845.16), which includes \$5,000 for installation, from H.V. Carter Company, Inc., of Sacramento, for the Parks Division”

Mayor Pro Tempore Johnson expressed concern that this was a non-competitive purchase and questioned if this was the only company through which this equipment could be purchased.

Steve Dutra, Parks Superintendent, explained that this purchase was more accurately a “piggyback” purchase on a contract through the city of Sacramento versus a sole-source purchase as listed in the staff report. A “piggyback” purchase is allowed when an agency has followed the formal competitive bidding process, and the successful vendor agrees to offer its price to other public agencies. This price from H.V. Carter Company represents the valid price through the bid process conducted by the city of Sacramento, onto which the City of Lodi is piggybacking.

Mayor Pro Tempore Johnson suggested that future “piggyback” purchases be accurately reflected and explained in the staff report and not listed as a sole-source purchase.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Johnson, Beckman second, adopted Resolution No. 2006-169 authorizing the non-competitive purchase of a Jacobsen Model HR 9016 high-production rotary mower in the amount of \$82,293.43 and a Kubota 90 HP Engine retro fit kit in the amount of \$19,845.16, which includes \$5,000 for installation, from H.V. Carter Company, Inc., of Sacramento, for the Parks Division. The motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, Johnson, and Mayor Hitchcock  
Noes: Council Members – None  
Absent: Council Members – Mounce

- E-8 "Adopt resolution authorizing transit services outside of regular service operations for a private wedding on October 21, 2006, and authorizing the Transportation Manager to advertise to determine if a willing and/or able provider exists for this event"

Mayor Hitchcock recalled that in previous Council discussions these types of events were not included on the list of approved uses and she questioned why this request was being presented.

Public Works Director Prima responded that the City cannot compete with the private sector and must utilize the public transit system for public purposes only. Staff receives many requests from the public, and Federal rules allow the City to offer these types of services provided that the City advertises for a willing vendor. The Council-approved policy includes a standard list of routine events that are limited to in-town operations, and this request is outside of the normal hours of operation for the purpose of transporting guests to and from a local wedding reception.

Council Member Hansen questioned if this service would be subsidized by the City, to which Mr. Prima replied that full rates would be charged. He added that this request is not for exclusive transportation to this event; rather, it is for extending the hours of operation by one to two hours.

Mayor Hitchcock stated that she was not in favor of using the transit system in this manner; however, she stated she would support the request due to the short duration.

MOTION / VOTE:

The City Council, on motion of Mayor Hitchcock, Johnson second, adopted Resolution No. 2006-170 authorizing transit services outside of regular service operations for a private wedding on October 21, 2006, and authorizing the Transportation Manager to advertise to determine if a willing and/or able provider exists for this event. The motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, Johnson, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Mounce

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Woody Alspaugh expressed concern regarding potential new developments that could negatively affect Lodi's small-town atmosphere and expressed support for preserving farmland in the San Joaquin valley.
- Shirley Plath shared information regarding a health and safety hazard at the Lake Park trailer court involving the garbage dumpster, which is utilized by multiple tenants, and requested that the City consider individual garbage containers. The residents at the trailer court are physically unable to clean the dumpster, and waste management has yet to address the issue. Mr. King stated that staff would obtain the necessary information from Ms. Plath and look into the matter.
- Ramon Garcia addressed the Council regarding the issue of taco trucks and stated that, as a former restaurant owner on Pine and Washington Streets, they did not inconvenience him; however, he expressed concerns regarding the sanitation of the trucks and the fact that they do not pay property, unemployment, or franchise taxes.

In response to Council Member Hansen, Community Development Director Hatch stated that Community Improvement is presently implementing a phased code enforcement program and will be returning to Council with a component of the development code, which would address mobile vendors and temporary use permits. No date has yet been set for this discussion. Council Member Hansen expressed concern that mixed messages are being given as to whether or not this item will come before Council and he believed those interested should state their concerns under the public comments portion of the agenda.

Mayor Pro Tempore Johnson added that some of the confusion may be due to the newspaper incorrectly stating that Council would be discussing the issue of taco trucks at this meeting.

- Mirna Ruiz requested that Council agendaize the issue of mobile food vendors at its next regular Council meeting. The vendors have many concerns, have formed a committee, and are looking for an attorney to represent their interests.

Council Member Beckman agreed and requested that this matter be placed on the next agenda to examine the occurrences and progress to date, as well as to hear the concerns of the public, to which Council Member Hansen concurred.

- David Johnson requested that Council schedule a meeting to re-evaluate the role of the Site Plan and Architectural Review Committee (SPARC) in the planning process and how the Committee can overturn a decision of the Planning Commission on a conditional use permit. Mr. Johnson believed that the current process was backwards and that it should instead first go before SPARC for approval, followed by approval by the Planning Commission and Council. To date, he has received little cooperation from City staff and he hoped Council would look into the matter.

In response to Council Member Beckman, Mr. Hatch explained that, in the Vineyard Christian Middle School proposal, SPARC was delegated the task from the Planning Commission to review and approve the details on landscape, color, materials, and the architectural design of the building; however, the applicants presented an amended plan to SPARC than the one submitted to the Planning Commission, and it was determined that it was within the scope of SPARC to approve the change. Mr. Hatch confirmed that, had the proposal not been appealed, the Planning Commission would not have seen the revised plans. Council Member Beckman agreed that the procedures need to be reviewed and improved upon in order to ensure that SPARC does not exceed the Planning Commission's authority.

#### G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Hansen reported that he has been selected to serve as the vice chair of the Northern California Power Agency (NCPA) Commission and chair of the NCPA Law and Regulations Committee. Further, he reported that the San Joaquin Council of Governments (SJCOG) voted to support three propositions on the November ballot: 1) Proposition 1A, which is a bond measure for transportation funding; 2) Proposition 1B regarding highway safety, traffic reduction, air quality, and port security; and 3) Proposition 1E, which is the Disaster Preparedness and Flood Prevention Bond Act of 2006, all of which are billion dollar bond measures. SJCOG believed that these measures would complement Measure K, which is the renewal of the quarter cent sales tax for transportation.

#### H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager King announced that California Coastal Clean Up Day is Saturday, September 16 at Lodi Lake, at which volunteers will clean up litter and debris around the Lake. The purpose of this event is to reinforce the principle that what goes into the storm drain system will eventually end up in the ocean. Further, Mr. King stated that the Fall/Winter Community Arts Directory has been mailed to residents announcing a wide variety of classes, as well as sports sign ups, and he encouraged the public to take advantage of these programs.

#### I. PUBLIC HEARINGS

- I-1 "Public hearing to consider two different appeals, one from the Vineyard Christian Middle School and one from a group of neighbors regarding the Planning Commission's decision of July 26, 2006, to approve the site and architectural plan for Vineyard Christian Middle School to place a private 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> grade school on the grounds of Lodi Avenue Baptist Church located at 2301 West Lodi Avenue (File #06-SP-06)" *NOTE: This item is a quasi-judicial hearing and requires disclosure of ex parte communications as set forth in Resolution No. 2006-31.*

Mayor Hitchcock reported that the two appellants on this matter submitted a letter (filed) withdrawing both appeals.

PUBLIC COMMENTS:

- Alyssa Oliver agreed with the earlier comment that the role of the Site Plan and Architectural Review Committee (SPARC) should be reviewed in order for those involved to clearly understand and follow the process. Further, Ms. Oliver, on behalf of the Vineyard Christian Middle School (VCMS), thanked the City Council, Planning Commission, SPARC, and City staff for their efforts toward the school use permit. She additionally recognized David Johnson and the Benson Tract neighbors for their work toward a final resolution with Lodi Avenue Baptist Church and VCMS.

Both Mayor Hitchcock and Council Member Hansen congratulated and thanked the neighbors and school for mediating a settlement that was agreeable to all.

MOTION / VOTE:

This appeal was withdrawn by the appellants; no Council action was taken on this matter.

J. COMMUNICATIONS

- J-1 On recommendation of the City's contract administrator and Human Resources staff, the City Council, on motion of Council Member Beckman, Hansen second, rejected the following claim by the vote shown below:

Ayes: Council Members – Beckman, Hansen, Johnson, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Mounce

- a) Simone Dumas, date of loss: first week of June 2006

- J-2 The following postings/appointments were made:

- a) The City Council, on motion of Council Member Beckman, Johnson second, directed the City Clerk to post for the following vacancy by the vote shown below:

Ayes: Council Members – Beckman, Hansen, Johnson, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Mounce

Lodi Arts Commission

Robert Clemons Term to expire July 1, 2007

- J-3 Miscellaneous – None

K. REGULAR CALENDAR

- K-1 “Set public hearing for September 20, 2006, to consider changes to the Net Energy Metering Rate – Schedule NEM and establish the new Co-Energy Metering Rider – Schedule CEM ordinances”

Sondra Huff, Senior Electric Utility Rate Analyst, reported that in 2003 Assembly Bill (AB) 58 required utilities to establish a net metering rate for customers who install solar or wind. Senate Bill (SB) 1, the solar energy and net metering bill, was signed by Governor Schwarzenegger this week, which incorporates the requirements of AB 58. In 2003, the City opted not to exercise the option offered within the legislation for co-energy metering for larger installations. Net metering is for small units that produce up to ten kilowatts (KW) of power; whereas, co-metering will be for those that produce ten KW up to one megawatt (MW) of power. Net metering utilizes a single meter, which nets electricity flow into a customer with solar/wind energy out from a customer, and customers receive full retail

rates for their solar/wind generation. As an example, a large residential customer could receive a credit for generation for 31 to 33 cents a KW hour. Co-metering utilizes two meters: one to measure electricity delivered to customers and the other to measure electricity generated. Customers receive service at the applicable rate schedule, and the energy generated is credited back to them at the average cost of generation, which is presently half of the retail rate. The purpose of this law was to address the fact that smaller municipal utilities may not receive the revenue necessary to service these customers, which places an economic burden on the utility and rate payers. This proposed action would clean up the net metering rate and clarify that these are non-by-passable charges. For co-metering, customers would be charged at the retail rate, and the City would be required to credit them at the average cost of generation, approximately one half of the retail rate, which requires two meters. SB 1 further changed the amount of net metering and co-metering that the City is required to make available, which would be 2.5% of the peak load, or 3,500 KW. With the climate and rates, Ms. Huff believed that Lodi would become a magnet for the larger units. To date, there are two such units, with one more expected in the near future, and the co-energy metering schedule would help to limit the City's exposure to these costs.

In response to Mayor Hitchcock, Ms. Huff explained that, if the City were fully subscribed, it could realize retail sales revenue of \$750,000.

City Manager King summarized that the primary issue for this proposal was to reduce the amount the City pays for purchasing back the energy. In response to Mr. King, Ms. Huff estimated that the City would realize \$30,000 in net reduction for this year. She further reiterated that residential customers would continue to be credited at the full retail rate.

In response to Mayor Pro Tempore Johnson, Ms. Huff stated that the rebate program for installing solar facilities was fully subscribed and is currently not offered in the public benefit program for this year; however, legislation does require that a program be offered, which will be brought before Council in the future.

Council Member Hansen added that this legislation is tied to energy efficiencies and Governor Schwarzenegger's Million Solar Roofs Initiative. This mandate comes from the State; however, he believed that wind and solar were popular alternatives for utilities to consider in generating energy efficiently.

MOTION/ VOTE:

The City Council, on motion of Council Member Hansen, Johnson second, set public hearing for September 20, 2006, to consider changes to the Net Energy Metering Rate – Schedule NEM and establish the new Co-Energy Metering Rider – Schedule CEM ordinances. The motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, Johnson, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Mounce

RECESS

At 8:36 p.m., Mayor Hitchcock called for a recess, and the City Council meeting reconvened at 8:48 p.m.

K. REGULAR CALENDAR (Continued)

- K-2 “Provide direction regarding the use of viable funding options needed to offset costs associated with Lodi Grape Bowl related improvements and events”

City Manager King reported that immediate interim improvements are necessary at the Grape Bowl to bring the facility into compliance with Americans with Disabilities Act (ADA) standards, as well as various public safety related enhancements. The Grape Bowl Ad Hoc

Committee recently suggested that a ticket surcharge be implemented to address the interim improvements, which would pass the costs onto the users of the facility (i.e. primarily high school and Pop Warner football games). As staff began to explore this proposal, potential challenges arose with the surcharge that would indicate there may be other options for consideration in raising the necessary revenue.

Tony Goehring, Parks and Recreation Director, outlined the following challenges with implementing a ticket surcharge:

- League rules place a cap on the price of tickets sold at the gate for all schools within the League in order to maintain parity among entities.
- The difference between the League cap and the ticket surcharge would reduce the amount of gross receipts to the Lodi Unified School District, which would create a shortfall in the school athletic programs and budgets.
- There is a discrepancy between the number of people attending games versus those that actually paid at the gate due to pre-paid student body activity and adult punch discount cards that are sold at the schools.
- Based on estimated figures, Mr. Goehring anticipated that total revenue collected would equate to \$7,500, which is minimal when compared to the \$500,000 to \$850,000 price tag for the ADA improvements.

Mr. Goehring reviewed the following alternatives for raising the needed revenue:

1. Contract with the concessionaires to split the gross receipts from concession stand sales between the City and the concessionaire; however, this proposal may negatively affect some of the schools as not all of the revenue goes toward the athletic department. The money would go toward the department or activity that staffed the concession stand (e.g. Key Club, music department, etc.).
2. Determine incremental costs (i.e. those over and above day-to-day maintenance and operations costs to the City) and improvement costs and bill the users at the end of the season for those costs. This alternative may require an amendment to the joint use agreement between the City of Lodi and the School District.
3. Roll the incremental and improvement costs into a flat fee per game that would be charged to each user, whether it is the School District, Boosters of Boys and Girls Sports (BOBS), or another user.

Mr. Goehring believed that Options 2 and 3 would have the most potential in recovering a greater portion of the costs than the ticket surcharge and would serve as a way for all users to pay their fair share to help preserve this facility.

Mayor Pro Tempore Johnson questioned whether the League cap took into consideration economic difficulties of outside entities and what the rules were for games played at college or state level stadiums. Mr. Johnson further stated that he believed the City had a reprieve on the timeframe to meet the ADA requirements, as long as it did not add extra events to the Grape Bowl, and he questioned what priority improvements needed to be made during this interim period.

Mr. Goehring responded that the priority list is broken into three sections: 1) South side retrofit work with 13 projects, some of which are ADA improvements with most addressing the public safety issues, totaling \$41,700; 2) Option 1 improvements, which include a commercial lift that would allow the disabled community access from the street level up to the rim to sit near the press box on the south side, at a cost of \$550,000; and 3) Option 2, which included major ADA improvements at the east end of the stadium that would allow access to the disabled community, at a cost of \$850,000. Option 2 and the reduced dollar amount came from input from members representing the disabled community during a tour of the Grape Bowl.



Jerry Herzick, Building Official, added that the priority list prepared in conjunction with Parks and Recreation and the disabled community included general safety and maintenance-type issues (e.g. tripping hazards, grade differentials, loose handrails, damaged stairs, fencing off areas in the bleacher section, restroom improvements, etc.). The \$41,000 worth of accessibility and safety issues need to be addressed immediately. The ADA Transition Plan sets forth a goal to rehabilitate the entire Grape Bowl facility by 2008-10; however, both the Plan and the Grape Bowl Ad Hoc Committee recommend that interim measures be implemented to bring the facility into compliance.

Mayor Pro Tempore Johnson summarized that the \$41,000 would address many of the safety issues, that the City is not violating the ADA Transition Plan, and that the Grape Bowl Ad Hoc Committee would continue to generate funds to bring the facility into ADA compliance, to which Mr. Herzick concurred.

Mayor Hitchcock questioned if failing to address the \$41,000 in improvements would expose the City to liability, to which City Attorney Schwabauer replied in the affirmative. Mr. Herzick added that there is case law where cities have made reasonable attempts to comply knowing the budget constraints and the courts have upheld that; however, the courts have not looked favorably on those who ignored the improvements.

PUBLIC COMMENTS:

- Bill Huyett, Superintendent of the Lodi Unified School District, concurred that this is a significant issue that both the School District and the City must work together to address, and it has been discussed at length over the past year at its 2x2 meetings. Mr. Huyett spoke in support of the joint use agreement and suggested the 2x2 committee examine the agreement for a potential solution. The surcharge concept is cumbersome, has challenges, and would ultimately not raise the amount of revenue needed to address these concerns.

In response to Council Member Hansen, Mr. Huyett explained that the student body activity and adult punch discount cards are not School District issued cards; they are specific to the individual schools.

- Gary Knackstedt, Activity Director at Lodi High School, believed that Mr. Goehring overestimated the gate receipts and he expressed concern regarding the loss of funding for the athletic department. Other than transportation funding from the School District, the athletic department is 100% self-sufficient, partially from the proceeds of the student body activity and adult punch discount cards.
- Erik Sandstrom, Principal at Tokay High School, concurred that the estimates on attendees was high and believed that the revenue coming in would be miniscule compared to the amount needed. Mr. Sandstrom expressed concern that it would be the student body and parents burdened with covering these costs as users of the facility. He further clarified that the League has capped ticket prices for different levels of competitions; therefore, games played at Spanos or University of Pacific also have a set ticket charge. Mr. Sandstrom believed that it would set a dangerous precedence to amend the joint use agreement, which has worked very well for both the School District and the City. In regard to concession sales, he believed that very little funds would be generated.

In response to Council Member Hansen, Mr. Huyett stated that he only first heard of these proposals tonight and would like the opportunity to review them, along with City staff and elected officials on the 2x2 Committee.

Council Member Hansen suggested that the athletic departments and various booster organizations support this endeavor by taking it on as a project.

MOTION / VOTE:

Following discussion, the City Council expressed concurrence to refer the matter to the City of Lodi and Lodi Unified School District 2x2 Committee for review, after which the matter would be brought back before both entities for presentation/approval.

- K-3 "Request City Council set date for special meeting to conduct Assembly Bill 1234 ethics training to Council Members and affected board and commission members"

Council Member Beckman noted that the Library Board was listed in the staff report to be included in the training and he questioned if Library Board members attended conferences, to which Mr. Schwabauer replied in the affirmative. Mr. Beckman requested that Council be provided with a report as to which conferences they attend.

Mr. Schwabauer reported that this two-hour ethics training is required by law and will cover requirements of the Fair Political Practices Commission and Government Code Section 1090. He recommended that the training be set for Wednesday, October 25.

Mayor Pro Tempore Johnson questioned why the training was not extended to all Council-appointed board and commission members in order to save time and money as this training is required every two years, to which Mr. Schwabauer responded that Council could by policy require additional individuals to participate than those required by law.

In response to Council Member Hansen, Mr. Schwabauer stated that the League of California Cities offers an on-line course for those who cannot attend the mandatory training.

MOTION / VOTE:

The City Council expressed concurrence to set October 25, 2006, from 6:00 – 8:00 p.m. at the Carnegie Forum, as the date, time, and place for a special joint meeting for Assembly Bill 1234 ethics training.

L. ORDINANCES

- L-1 Following reading of the title of Ordinance No. 1783 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 5 – Permits and Regulations – by Adding Chapter 5.25, 'Pedicabs,'" having been introduced at a regular meeting of the Lodi City Council held August 16, 2006, the City Council, on motion of Council Member Beckman, Hansen second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Beckman, Hansen, Johnson, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Mounce

Abstain: Council Members – None

- L-2 Following reading of the title of Ordinance No. 1784 entitled, "An Ordinance of the City Council of the City of Lodi Re-Classifying 220 Acres Located on the South Side of Harney Lane between State Highway 99 and the Union Pacific Railroad to the West (Reynolds Ranch) from San Joaquin County AG-40 (Agriculture, General, Minimum 40 Acres) Zone to City of Lodi PD (Planned Development) Zone, Which Includes Designations Specific to Housing, Commercial, Office, and Public/Quasi-Public (Zone Change 06-Z-02)," having been introduced at a regular meeting of the Lodi City Council held August 16, 2006, the City Council, on motion of Council Member Beckman, Hansen second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Beckman, Hansen, Johnson, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Mounce

Abstain: Council Members – None

- L-3 Ordinance No. 1785 entitled, "An Ordinance of the City Council of the City of Lodi Adopting a Development Agreement Pertaining to the Development of 220 Acres Located on the South Side of Harney Lane Between State Highway 99 and the Union Pacific Railroad to the West (Reynolds Ranch) (Development Agreement 06-GM-01)"

PUBLIC COMMENTS:

- Kathy Haring expressed concern that the development plan would immediately grant the developer 350 growth management allocations this year and would continue to grant 73 growth management allocations automatically each year for the next eight years. She believed that existing law did not provide a mechanism for the Reynolds Ranch project to be exempt from the growth management ordinance. In order for the growth management ordinance to address small infill projects, she suggested that the language under exemptions be amended from "projects of four units or less" to "projects of ten units or less." The California Environmental Quality Act, environmental impact review, and required public hearings do not apply to infill projects, and she believed it was unnecessary to delay these small projects. Ms. Haring requested Council consider her suggestion to change the growth management allocation process effectively immediately so infill development projects can move forward without being in the growth management process.

In response to Council Member Hansen, Community Development Director Hatch explained that the growth management allocation is designed for larger projects, which typically require some type of environmental review. There are a small number of infill projects as part of this year's allocation application, and he is proposing to separate out those projects and take them to the Planning Commission for concurrence; however, there would still be an environmental process required on some. All of the projects compete and are weighed against one another; although, it is not a meaningful competition as everyone receives an allocation if they meet the standards and qualifications, and the allocation is then based upon the merits of the project; not the scarcity of the allocation credit. He believed that the number of "four units or less" in the growth management ordinance was representative of what other cities have done.

City Attorney Schwabauer reiterated that the allocation process only comes into play when there are more allocations requested than there are available to grant, and there is no doubt that Ms. Haring will receive the allocations she has requested.

Ms. Haring questioned why small developers must wait a year to receive the allocation when they cannot afford the delay. She further pointed out that medium density has the smallest amount available and if the City allocates 250 in one year it would run out of allocations.

Mayor Hitchcock questioned how the allocations would be granted now that some fall under a development agreement and others do not. She stated that Reynolds Ranch received 65% medium density and 10% low density, which represents a change from the growth management ordinance.

Mr. Schwabauer clarified that the allocations given to Reynolds Ranch were low-density allocations and were not taken from the medium reserve. The City Council created a new designation in the development agreement, Planned Residential, which made the allocations available through low density. The development agreement legislation was crafted to give developers and cities the ability to negotiate certain benefits to both sides. Ms. Haring is suggesting that the developer has taken advantage of the process, which she believed to be unfair. Mr. Schwabauer stated that the development agreement process is available to her as well should she wish to pay more in impact fees through community benefits (i.e. there must be an economic exchange to occur in order to receive the benefit).

Mr. Hatch stated that the Reynolds Ranch project is within the growth management ordinance—it is controlled by the 2% cumulative, there are no additional allocations

outside of this project, and it takes the balance and allocates those through the development agreement. It does go out further than what is allowed in the growth management ordinance; however, development agreements have the power to do so.

Mr. King clarified that there is no automatic allocation of the growth allocations; however, it is a three-year rolling cycle. There are currently 3,830 growth allocations available, which are broken down into categories: 1,715 single family; 3,430 medium density; and 1,772 high density. There are 200 allocations being provided in high density to Reynolds Ranch, with the remainder coming from low density, and there is no impact to medium density. He believed there were a sufficient number of applications and he pointed out that there are 450 allocations available annually.

Further discussion ensued regarding the Reynolds Ranch units and allocations, and Mr. King summarized that the definition of low density in the development agreement allows for more affordable housing units to be produced.

- Dale Gillespie, representing San Joaquin Valley Land Company, agreed with Ms. Haring that there could be a more streamlined process for smaller infill projects by exempting those projects of a certain size.

MOTION / VOTE:

Following reading of the title of Ordinance No. 1785 entitled, "An Ordinance of the City Council of the City of Lodi Adopting a Development Agreement Pertaining to the Development of 220 Acres Located on the South Side of Harney Lane Between State Highway 99 and the Union Pacific Railroad to the West (Reynolds Ranch) (Development Agreement 06-GM-01)," having been introduced at a regular meeting of the Lodi City Council held August 16, 2006, the City Council, on motion of Council Member Beckman, Hansen second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Beckman, Hansen, and Johnson  
Noes: Council Members – Mayor Hitchcock  
Absent: Council Members – Mounce  
Abstain: Council Members – None

COMMENT ON NON-AGENDA ITEM

- Dale Gillespie stated that the City for decades has maintained the Grape Bowl, yet the School District receives a huge benefit from the facility without any direct expense attributed to it. On behalf of the San Joaquin Valley Land Company, Mr. Gillespie offered to donate \$21,000, half of the cost for the Americans with Disabilities Act improvements, if the School District matched the amount and made its decision within 90 days.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:24 p.m.

ATTEST:

Jennifer M. Perrin  
Interim City Clerk